

Atty. Dkt. No. 035451-0127 (3626.Palm)

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-17 are now pending in this application.

Response to Affidavit – 37 C.F.R. § 1.131

Applicants recognize that the Examiner has indicated in section 1 of the Office Action that the Declaration filed on 7-21-2004 under 37 C.F.R. § 1.131 is sufficient to overcome the Dutta reference. As such, Applicants understand that the Declaration provides an invention date of at least December 5, 2000.

Claim Rejections – 35 U.S.C. § 102

In section 102 of the Office Action, the Examiner rejected claims 1, 3, 4, and 7 under 35 U.S.C. § 102(e) as being anticipated by (Weindorf) (U.S. Patent No. 6,762,741). The Examiner indicated that:

In reference to claim 1, Weindorf discloses an automatic brightness control system for a display device whereby the brightness of the display panel is controlled based on a fractional power function of the ambient light impinging on the display panel (see column 3, lines 38-42). Weindorf discloses the system to operate in a number of devices including laptop computers, personal organizers and the like (see column 5, lines 10-16). Weindorf discloses the display device comprised of a bezel for holding the outer perimeter of the display panel and control circuitry for controlling the display panel and backlight of the display panel (see column 5, lines 37-40 and 45-54). Weindorf further discloses the bezel to hold ambient light sensors (see column 6, lines 53-60). Weindorf also discloses that the system may comprise of multiple ambient light sensors (four

Atty. Dkt. No. 035451-0127 (3626.Palm)

sensors), providing signals, to the control circuitry (see #114 and 108 of Figure 1), measuring the amount of light impinging on the surface of the display panel (see column 14, lines 52-67). Weindorf discloses that the multiple signals received from the light sensors are averaged and then determined to signify a "Day" and "Night" condition, from which the display backlight is adjusted accordingly (see column 14, lines 60-67, column 15, lines 1-15, 55-64 and columns 16-17, lines 64-6).

In reference to claim 3, Weindorf discloses all of the claim limitations as applied to claim 1 above. Weindorf also discloses that the system may comprise of multiple ambient light sensors (four sensors), providing signals, to the control circuitry (see #114 and 108 of Figure 1), measuring the amount of light impinging on the surface of the display panel (see column 14, lines 52-67).

In reference to claim 4, Weindorf discloses all of the claim limitations as applied to claim 3 above in addition, Weindorf discloses the ambient light sensors as photodiodes (see column 6, lines 19-25).

In reference to claim 7, Weindorf discloses all of the claim limitations as applied to claim 1 above in addition, Weindorf further discloses the display panel being of LCD type (see column 5, lines 19-20).

Applicants traverse the rejections.

The rejection relies on the use of Weindorf. However, Applicants submit that Weindorf is unavailable as a prior art reference against claims 1-17 of the present application. In the previous Office Action, a Declaration by the inventors pursuant to 37 C.F.R. § 1.131, which the Examiner has acknowledged, provides evidence that the subject matter recited in claims 1-17 was invented prior to the filing date of Weindorf. Weindorf was filed on December 22, 2000 as U.S. Application No. 09/747, 597. The Declaration establishes that the subject matter recited in claims 1-17 was conceived at least by December 5, 2000. Accordingly, Applicants submit that Weindorf is unavailable as a prior art reference against claims 1-17 of the present application and therefore respectfully request the rejection of claims 1, 3, 4 and 7 under 35 U.S.C. § 102(e) be withdrawn.

Atty. Dkt. No. 035451-0127 (3626.Palm)

Claim Rejections - 35 U.S.C. § 103

In section 3 of the Office Action, the Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Weindorf (U.S. Patent No. 6,762,741) in view of Helms (U.S. Patent No. 5,952,992). Also, in section 4 of the Office Action, the Examiner rejected claims 5, 6, and 8-17 under 35 U.S.C. § 103(a) as being unpatentable over Weindorf (U.S. Patent No. 6,762,741) in view of Narveson et al. (U.S. Patent No. 4,386,345).

As both of the rejections in sections 3 and 4 of the Office Action depend on the use of Weindorf as a prior art reference, Applicants traverse the rejections. Each of the rejections relies in part on the use of Weindorf. However, the Applicants submit that Weindorf is unavailable as a prior art reference against claims 1-17 of the present application. Applicants again refer the Examiner to the previously filed Declaration which establishes an invention date of at least December 5, 2000. The filing date of Weindorf as stated earlier is December 22, 2000. Accordingly, Weindorf may not be used as a prior art reference in rejecting claims 1-17. Accordingly, the Applicants submit that Weindorf is unavailable as a prior art reference against claims 1-17 of the present application and therefore respectfully request the rejection of claims 2, 5, 6, and 8-17 under 35 U.S.C. § 103(a) be withdrawn.

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Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even

Atty. Dkt. No. 035451-0127 (3626.Palm)

entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

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